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Security complicates fired agent's hearing

By John McCaslin
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Several top British and American intelligence officials are expected to keep a close watch on a public hearing scheduled to begin in New York today to make certain that top-secret documents — vital to the continuance of intelligence network secrecy — are not made public.

The hearing is the result of an appeal by a senior U.S. customs official who was fired from government service last November after he allegedly leaked confidential British intelligence information to lawyers representing an accused IRA gunman.

Former assistant U.S. Customs Service special agent Stephen Rogers, who was in charge of all gunrunning investigations at the Manhattan customs office, has appealed his dismissal to the U.S. Merit Systems Protection Board, an independent, quasi-judicial agency that acts as the personnel "watchdog" of federal agencies.

Events leading up to the hearing have been a major topic of conversation in intelligence circles, especially in Europe, and British officials will be keeping a watchful eye on today's testimony, primarily to be sure that the U.S. Merit Board does not make public any further secret information outlining the role of British intelligence in the events surrounding Mr. Rogers' dismissal.

The Sunday Times of London reported last month that new strains in the often rocky relationship between British and American intelligence may be created because of today's public inquiry. They quoted a U.S. Merit Board official as saying that if British authorities refuse to declassify certain secret documents surrounding the dismissal of Mr. Rogers to be used during testimony the board could be forced to throw out the charges against Mr. Rogers and order the Customs Service to reinstate him.

Merit Board official Mahlon Anderson, the chief spokesman at today's hearing, told The Washington Times yesterday, "It is not the agency's intent to release any information that could be detrimental" to intelligence organizations.

"There will, however, be periods when the hearing will be closed to anyone without

authorized credentials," Mr. Anderson said, at which time secret documents may be cited.

The controversy began last November when Mr. Rogers was notified in a dismissal letter from the Customs Service that he had violated department policy and "jeopardized the lives and methods of intelligence collection by a foreign government" by testifying as a defense witness in the gunrunning trial of IRA man Bernard McKeon. In his testimony, Mr. Rogers disclosed details of a secret British-American intelligence meeting and divulged the name of a British intelligence official who attended the meeting.

The letter, obtained yesterday by The Washington Times, also brought three additional charges as grounds for Mr. Rogers' dismissal, one incident that could "prove to be life-threatening to cooperating individuals" involved.

Mr. Rogers, however, contends he offered to assist McKeon's lawyers only after he discovered that another American customs agent had illegally tapped telephone conversations during the gunrunning investigations. The allegation of illegal wiretapping was later disproved by customs investigators.

But because of Mr. Rogers' testimony, the first two trials against McKeon resulted in mistrials. After the United States tried McKeon a third time in July 1983, he was found guilty of conspiring to smuggle guns to the jail and fined \$10,000.

British and Irish intelligence officials, however, were angry. As far as they were concerned, the damage was done during Mr. Rogers' testimony, and what effect it would have in their fight against the IRA might never be known.

The Customs Service, in its dismissal letter, told Mr. Rogers that because of his actions U.S. officials, including the chief of internal security at the Justice Department, "had to travel to Ireland to meet with officials to apologize for your conduct and its consequences. . . . This affected the public's confidence in the integrity of the [customs] service and the credibility of its agents."

Intelligence officers are holding their breath to see if Mr. Rogers will once again resort to the disclosure of classified information to back his appeal.